

Town Board Minutes

October 6, 2003

Meeting No. 35

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 6th day of October at 8:00 P.M. and there were

PRESENT: MARK MONTOUR, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: RICHARD ZARBO, COUNCIL MEMBER

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
ROBERT LABENSKI, TOWN ENGINEER
RICHARD SHERWOOD, TOWN ATTORNEY
JEFFREY SIMME, BUILDING INSPECTOR
CHRISTINE FUSCO, ASSESSOR
RICHARD REESE JR., HIGHWAY SUPERINTENDENT
MARY ANN PERRELLO, DEPUTY TOWN CLERK

PERSONS ADDRESSING TOWN BOARD:

Fortuna, Dawn, 210 Enchanted Forest North, spoke to the Town Board on the following matters:

- Comments about cautionary traffic sign being considered for the curve on Enchanted Forest North.
- Would like the Town Board to construct another east/west road in the south end of the Town.

Davis, Jeff, 218 Calumet Street, spoke to the Town Board on the following matter:

- Comments and suggestions about traffic signage on Stutzman Road near Genesee Street.

Beutler, Daniel, 26 Tyler Street, spoke to the Town Board on the following matter:

- Comments about the volume of traffic on Enchanted Forest North.

Chowaniec, Lee, 93 Northwood Drive, spoke to the Town Board on the following matters:

- Comments about curve on Enchanted Forest North.
- Suggests that Southpoint Drive be opened up to Transit Road.

Kubicki, Gloria, 15 Maple Drive, spoke to the Town Board on the following matters:

- Questions regarding:
 1. Wetland delineation of NYS Dept. of Environmental Conservation in Windsor Ridge.
 2. Special Use Permit Application of Onyx Environmental Services.
 3. Use of Police to enforce speed on Enchanted Forest North.

Symer, Donald, 610 Columbia Avenue, spoke to the Town Board on the following matters:

- Questions regarding:
 1. Retaining GAR Associates for assessment inventory data purposes.
 2. Special Use Permit for 5454 Genesee Street.

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

RESOLVED, that the minutes of the Joint Meeting of the Planning Board and the Town Board held September 15, 2003 and the Regular Meeting of the Town Board held September 15, 2003 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

October 6, 2003

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, the Twin District Volunteer Fire Company, Inc., by letter dated September 23, 2003, has requested the addition of an additional member to the membership roster of said fire association.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby confirms the addition to the membership of the Twin District Volunteer Fire Company the following individual:

ADDITION:

Jack P. Emmi
10 Hampton Court
Lancaster, New York 14086

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

October 6, 2003

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, the Town of Lancaster has previously entered into an Agreement to furnish Dog Control Services to the Village of Lancaster, which Agreement will expire according to its terms on October 31, 2003, and

WHEREAS, the Town Board of the Town of Lancaster desires to renew said Agreement for a 5-year term commencing November 1, 2003 through October 31, 2008.

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute an Agreement with the Village of Lancaster setting forth the terms and conditions for the performance of certain services for the Village of Lancaster involving dog control.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

October 6, 2003

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster established a disaster preparedness team to be known as the Emergency Services Team of the Town of Lancaster, and

WHEREAS, the Emergency Services Team has submitted By-Laws to the Town Board for review and approval, and

WHEREAS, the Town Board deems it in the public interest to adopt the By-Laws as submitted;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby adopts the By-Laws as proposed by the Emergency Services Team effective immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

October 6, 2003

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED IT'S ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, §1660 (18) Vehicle and Traffic Law permits the Town to designate the location of stop signs and no-passing zones affecting town roads outside of the Villages of Lancaster and Depew, and

WHEREAS, the Town Board of the Town of Lancaster deems it in the public interest to make certain amendments to the Town Ordinance entitled, “VEHICLE AND TRAFFIC ORDINANCE OF THE TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK, DESIGNATED AS CHAPTER 46 OF THE CODE OF THE TOWN OF LANCASTER”,

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Section 130 of the Town Law of the State of New York, a public hearing on proposed amendments to the Vehicle & Traffic Ordinance, Chapter 46 of the Code of the Town of Lancaster, County of Erie and State of New York, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 20th day of October 2003, at 8:50 o'clock P.M., Local Time, and that Notice of the Time and Place of such hearing be published on or before October 9, 2003, in the Lancaster Bee, the Official Newspaper, being a newspaper of general circulation in said Town, and be posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

October 6, 2003

LEGAL NOTICE
PUBLIC HEARING
AMENDMENT TO VEHICLE & TRAFFIC ORDINANCE
TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK
DESIGNATED AS CHAPTER 46 OF CODE OF TOWN OF LANCASTER

LEGAL NOTICE IS HEREBY GIVEN that pursuant to the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 6th day of October, 2003, the said Town Board will hold a Public Hearing on the 20th day of October, 2003, at 8:50 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all persons upon the following amendments to the Vehicle and Traffic Ordinance of the Town of Lancaster, Erie County, New York, designated as Chapter 46 of the Code of said Town:

CHAPTER 46

Article VIII, STOP INTERSECTIONS; NON-INTERSECTION STOPS; YIELD INTERSECTIONS

46-8.1 Stop Intersections designated, is hereby amended by adding thereto the following:

SOUTHPOINT SUBDIVISION

		SIGN
<u>STREET NAME</u>	<u>INTERSECTING STREET</u>	<u>LOCATION</u>
Southpoint Drive	Thomas Drive	N.E. Corner
Southpoint Drive	Thomas Drive	S.W. Corner

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

By: JOHANNA M. COLEMAN
Town Clerk

October 6, 2003

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, Joseph M. Brainard, d/b/a Braico Enterprises, situate at 5454
Genesee Street in the Town of Lancaster, has submitted an application for a Special Use Permit for
an Automobile Sales business in accordance with provisions of Chapter 50-Zoning, Section 20 (B)
of the Code of the Town of Lancaster;

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Chapter 50-Zoning, Section 20 (B), entitled
“Commercial and Motor Service District (CMS)” of the Code of the Town of Lancaster, a Public
Hearing on the proposed Special Use Permit for an Automobile Sales business on premises locally
known as 5454 Genesee Street in the Town of Lancaster, New York, will be held at the Town Hall,
21 Central Avenue, Lancaster, New York, on the 20th day of October 2003, 8:30 o’clock P.M.,
Local Time, and that Notice of the time and place of such Hearing be published in the Lancaster
Bee, a newspaper of general circulation in said Town, and be posted on the Town Bulletin Board
and that a copy of such Notice of Hearing be referred to the Erie County Department of Planning,
pursuant to Section 239(m) of the General Municipal Law, which Notice shall be in the form
attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on
roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

October 6, 2003

**LEGAL NOTICE
PUBLIC HEARING
SPECIAL USE PERMIT - BRAICO ENTERPRISES
5454 GENESEE STREET**

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the authority set forth in Chapter 50-Zoning, Section 20 (B) “Commercial Motor Service District (CMS)” of the Code of the Town of Lancaster, and the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster adopted on the 6th day of October, 2003 the said Town Board will hold a Public Hearing on the 20th day of October, 2003, at 8:30 o’clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the application of Joseph M. Brainard, d/b/a Braico Enterprises, for a Special Use Permit for an Automobile Sales business on premises locally known as 5454 Genesee Street, Town of Lancaster, County of Erie, State of New York.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

**BY: JOHANNA M. COLEMAN
Town Clerk**

October 6, 2003

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTGOMERY, TO WIT:

WHEREAS, Steve Zillig, d/b/a Jiffy Tite Company, Inc. 4437 Walden Avenue, Lancaster, New York, has submitted a Site Plan prepared by Kulback’s Construction, Inc. dated August 2003 and received August 25, 2003 for the construction of a 25,500 sq. ft. addition to an existing building located at 4437 Walden Avenue in the Town of Lancaster, and

WHEREAS, the Town Planning Board reviewed the proposed project and at its meeting September 3, 2003 recommended approval of same, and

WHEREAS, a SEQR Review of this project was held October 6, 2003 and a negative declaration was issued at that time.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the Site Plan submitted by Steve Zillig, prepared by Kulback’s Construction, Inc. dated August 2003 and received August 25, 2003 for the construction of a 25,500 sq. ft. addition to an existing building (Jiffy Tite Company, Inc.) located at 4437 Walden Avenue in the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTGOMERY	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

October 6, 2003

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, the New York's Returnable Container Act (known as the "Bottle Bill") celebrated its 20th anniversary on July 1st 2003, and

WHEREAS, the Bottle Bill requires a 5-cent refundable deposit per container on all beer, wine coolers, soda and carbonated water sold in New York, and

WHEREAS, the refundable deposit provides a financial incentive for consumers to recycle and rewards anyone who returns the bottles and cans, and

WHEREAS, the Bottle Bill is successful - New Yorkers have returned 75% of the deposit; more than 5.2 million tons of glass, metal and plastic have been diverted from the waste stream saving local governments millions of dollars in collection and disposal costs; litter and broken glass have been reduced by as much as 30%, resulting in safer and more attractive sidewalks, parks playgrounds, beaches, and roadsides; and recycling bottles and cans has saved the equivalent of 25 million barrels of oil, and

WHEREAS, under the current Bottle Bill, consumers pay a 5-cent refundable deposit on every container of beer, soda, sparkling water or wine cooler they purchase in New York and can redeem their deposit by returning the beverage container to any store in New York that sells the product or to a redemption center. The beverage distributor who initiated the deposit then reimburses the retailer or redemption center for the 5-cent deposit plus a 2-cent handling fee per container. Whenever a bottle or can is not returned, the beverage distributor keeps the money. Beverage distributors retained an estimated \$135 million in unclaimed deposits in 1999, and

WHEREAS, under proposed A.3922/S.1696, the Bottle Bill would be amended to expand to cover all beverage containers with the exception of liquor, wine, infant formula and milk, and

WHEREAS, under proposed A.3922/S.1696, all unclaimed deposits would go back to the New York State Environmental Protection Fund which provides monies to municipalities for Municipal Waste Reduction & Recycling Program and Household Hazardous Waste State Assistance Program.

NOW, THEREFORE, BE IT

RESOLVED, that the Town of Lancaster supports the original Returnable Beverage Act of 1982, the proposed additions to the Bill (A.3922/S.1696) and the sharing of held monies with those entities, including Lancaster which have worked hard to make recycling successful.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

October 6, 2003

File: recyclingbottlebill003

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, Onyx Environmental Services, LLC, 1 Eden Lane, Flanders, New Jersey, a prospective tenant at 6495 Transit Road, Lancaster New York has submitted an application for a Special Use Permit, in accordance with provisions of Chapter 50-Zoning, Section 20 (B) of the Code of the Town of Lancaster;

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Chapter 50-Zoning, Section 20 (B), entitled “Commercial and Motor Service District (CMS)” of the Code of the Town of Lancaster, a Public Hearing on the proposed Special Use Permit for Onyx Environmental Services, LLC, a DEC licensed waste transporter, on premises locally known as 6495 Transit Road in the Town of Lancaster, New York, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 20th day of October 2003, 8:40 o’clock P.M., Local Time, and that Notice of the time and place of such Hearing be published in the Lancaster Bee, a newspaper of general circulation in said Town, and be posted on the Town Bulletin Board and that a copy of such Notice of Hearing be referred to the Erie County Department of Planning, pursuant to Section 239(m) of the General Municipal Law, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

October 6, 2003

**LEGAL NOTICE
PUBLIC HEARING
SPECIAL USE PERMIT - ONYX ENVIRONMENTAL SERVICES
6495 TRANSIT ROAD**

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the authority set forth in Chapter 50-Zoning, Section 20 (B) “Commercial Motor Service District (CMS)” of the Code of the Town of Lancaster, and the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster adopted on the 6th day of October, 2003 the said Town Board will hold a Public Hearing on the 20th day of October, 2003, at 8:40 o’clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the application of Onyx Environmental Services, LLC, a DEC licensed waste transporter, for a Special Use Permit, on premises locally known as 6495 Transit Road, Town of Lancaster, County of Erie, State of New York.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

**BY: JOHANNA M. COLEMAN
 Town Clerk**

October 6, 2003

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, New York State Electric & Gas Corp., 150 Erie Street,
Lancaster, New York 14086, by letter dated September 26, 2003, has presented a cost proposal
to connect one (1) 50W High Pressure Sodium Luminaire on Transit Blvd in the Town of
Lancaster.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby accepts
the proposal of New York State Electric & Gas Corp. to connect the following on Transit Blvd.:

1 - 50W High Pressure Sodium Luminaire

TOTAL ANNUAL INCREASE - \$36.93

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby
authorized to accept and execute the proposal of New York State Electric & Gas Corp. for the
above mentioned connection.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call
which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

October 6, 2003

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED IT’S ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster is desirous of resolving traffic issues involving a curve on Enchanted Forest North, Foreststream Village Subdivision, and

WHEREAS, after a review by the Police Department and the Town Attorney it has been determined that the Uniform Manual For Traffic Control Devices for the State of New York permits signage in the nature of alerting drivers to a curve under Section 231.3 and that such curve sign can also provide for a reduced warning or advisory speed sign on the curve, pursuant to Section 239.1;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby directs the Highway Superintendent of the Town of Lancaster to place the combination advisory curve sign (identified in the Manual as W1-2) with a warning or advisory speed limit sign of 15 mph (size 18" x 18") at a location on Enchanted Forest North approximately 100' before entering the curve.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

October 6, 2003

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the Town Assessor has requested that the Town Board authorize the expenditure of funds from the NYS Maintenance Aid provided for the Assessor’s office in the sum of \$32,606 for the purpose of improving property inventory data of all parcels in the Town of Lancaster under a contract with GAR Associates Incorporated, 2399 Sweet Home Road, Amherst, New York 14228 to provide services where needed, and

WHEREAS, the services to be provided are in the nature of professional services involving specialized skills, expertise and the exercise of judgment and discretion, and

WHEREAS, the Town Board has given due review and consideration to the request to use the state funds provided for support of the Assessor’s office and deems it to be in the public interest to cause the expenditure of these funds in this manner.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to execute an Agreement with GAR Associates Incorporated, 2399 Sweet Home Road, Amherst, New York 14228 in the sum not to exceed \$30,000 to provide services and assistance as needed.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

October 6, 2003

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, the Twin District Volunteer Fire Association has petitioned the Town Board for approval to have an obligation treated as a bond of a political subdivision of a state pursuant to the provisions of 26 USCS 150 (e), and

WHEREAS, an order was duly adopted by said Town Board on September 2, 2003, appointing a hearing officer and reciting the expansion and addition to the Fire Hall located at 4999 William Street by the Twin District Volunteer Fire Association and setting a public hearing for September 22, 2003 at 7:00 P.M. prevailing time, at the Fire Hall at 4999 William Street, Lancaster, New York for its borrowing to hear all persons interested in the subject matter concerning the same, and

WHEREAS, Notice of the aforesaid public hearing was duly published in the manner and within the time prescribed by 26 USCS 147 (f) and proof of said publication has been duly presented to said Town Board, and

WHEREAS, said public hearing was duly held at the time and place in said Order, as aforesaid at which time all persons desiring to be heard were duly heard.

NOW, THEREFORE, BE IT

RESOLVED, said Town Board has duly considered said Petition of the Twin District Volunteer Fire Company, Inc. and the evidence given at said public hearing and resolve that the members of the Town Board of the Town of Lancaster, Erie County, New York upon reading the Appointment of Hearing Officer executed by Robert H. Giza, Supervisor; the Notice of Public Hearing published on September 4, 2003 in the Lancaster Bee; and the Report of Hearing Officer dated September 23, 2003 hereby approve the “Approval of Financing” attached hereto and further direct that the Lancaster Town Supervisor execute such “Approval of Financing” on behalf of the Town Board.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

October 6, 2003

File: rtwindistrictborrowing2003a

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Bowmansville Volunteer Fire Association, Inc. has petitioned the Town Board for approval to have an obligation treated as a bond of a political subdivision of a state pursuant to the provisions of 26 USCS 150 (e), and

WHEREAS, an order was duly adopted by said Town Board on September 2, 2003, appointing a hearing officer and reciting the construction, reconstruction and improvement of the fire station located at 58 Seitz Avenue and the refinancing of three pieces of firefighting apparatus by the Bowmansville Volunteer Fire Association, Inc., and setting a public hearing for September 24, 2003 at 7:00 P.M. prevailing time for Part A of its borrowing and at 7:30 P.M prevailing time for Part B, at its fire house at 36 Main Street, Bowmansville, New York, for its borrowing to hear all persons interested in the subject matter concerning the same, and

WHEREAS, Notice of the aforesaid public hearing was duly published in the manner and within the time prescribed by 26 USCS 147 (f) and proof of said publication has been duly presented to said Town Board, and

WHEREAS, said public hearing was duly held at the time and place in said Order, as aforesaid at which time all persons desiring to be heard were duly heard.

NOW, THEREFORE, BE IT

RESOLVED, said Town Board has duly considered said Petition of the Bowmansville Fire Association, Inc., and the evidence given at said public hearing and resolve that the members of the Town Board of the Town of Lancaster, Erie County, New York upon reading the Appointment of Hearing Officer executed by Robert H. Giza, Supervisor; the Notice of Public Hearing published on September 4, 2003 in the Lancaster Bee; and the Report of Hearing Officer dated September 24, 2003 hereby approve the “Approval of Purchase” attached hereto and further direct that the Lancaster Town Supervisor execute such “Approval of Purchase” on behalf of the Town Board.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT

SUPERVISOR GIZA

VOTED YES

October 6, 2003

File: rbowmansvilleborrowing2003a

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER STEMPNIAK, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered paid from
their respective accounts as per abstract to be filed in the Office of the Town Clerk by the Director
of Administration and Finance, to wit:

Claim No. 4521 to Claim No. 4777 Inclusive

Total amount hereby authorized to be paid: \$558,920.34

The question of the foregoing resolution was duly put to a vote on roll call which
resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

October 6, 2003

File: Rclaims

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTGOMERY, TO WIT:

RESOLVED that the following Building Permit applications be and are hereby
reaffirmed:

CODES:

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are
waived for this permit.

(CSW) = Conditional sidewalk waiver.

(V/L) = Village of Lancaster

NEW PERMITS:

11149	Lauta, Roy	28 Cambria St	Er. Shed	(V/L)
11150	Duro-Shed Inc	9 Thomas Dr	Er. Shed	
11151	Duro-Shed Inc	10 Devonshire Ln	Er. Shed	
11152	Egger, William	95 Michael's Walk	Er. Deck	
11153	DiPiazza, Charles	34 Woodgate Dr	Er. Shed	
11154	Majestic Pools Inc	24 Cambridge Ct	Er. Pool-In Grnd	
11155	Majestic Pools Inc	24 Cambridge Ct	Er. Fence	
11156	Majestic Pools Inc	5374 William St	Er. Pool-In Grnd	
11157	Majestic Pools Inc	5374 William St	Er. Fence	
11158	Duro-Shed Inc	44 Stream View Ln	Er. Shed	
11159	North Forest Properties	2805 Wehrle Dr	Er. Comm. Alt.	
11160	North Forest Properties	2805 Wehrle Dr	Er. Comm. Alt.	
11161	Marrano/Marc Equity	38 Apple Blossom Blvd	Er. Dwlg.-Sin.	
11162	Breski, Thomas	652 Harris Hill Rd	Er. Shed	
11163	Marrano/Marc Equity	50 Apple Blossom Blvd	Er. Dwlg.-Sin.	
11164	Majestic Pools Inc	30 Quail Hollow	Er. Pool-In Grnd	
11165	Huber, John	2 Sugar Mill Ct	Er. Shed	
11166	Duro-Shed Inc	3 Windsor Ridge Dr	Er. Shed	
11167	Duro-Shed Inc	77 Simme Rd	Er. Shed	
11168	Szczesek, Jeffrey	133 Nathan's Trl	Er. Shed	
11169	O'Neill, Michael	28 Summerfield Dr	Er. Shed	
11170	Paradise, Angelo	165N Maple Dr	Er. Garage	
11171	Nigel Enterprises	8 Walnut Creek Trl	Er. Dwlg.-Sin.	
11172	C M H Co Inc	422 Aurora St	Dem. Dwlg.	
11173	Stribing, Jeffrey	99 Sixth Ave	Er. Res. Alt.	(V/L)
11174	Warmus, Dennis	20 Ann Marie Dr	Er. Shed	
11175	Colley's Pool Sales Inc	268 Enchanted Forest N	Er. Fence	
11176	Colley's Pool Sales Inc	268 Enchanted Forest N	Er. Pool-In Grnd	
11177	Duro-Shed Inc	90S Irwinwood Rd	Er. Shed	(V/L)
11178	Samcoe Recreation	5077 Transit Rd	Er. Sign-Temp	

11179	Jaskula, Michael	9 Michael Anthony Ln	Er. Shed	
11180	Seneca Fence Co	19 Farmview Ct	Er. Fence	
11181	Duro-Shed Inc	82 Stony Brook Dr	Er. Shed	
11182	Allshouse, Robert	1372 Townline Rd	Er. Res. Add.	
11183	Erie Niagara Insurance	105 Pleasant Ave	Repair Porch	(V/L)
11184	Izydarczak, Michael	1 Clermont Ct	Er. Shed	
11185	Trojanowsky, John	1 Via Donato W	Er. Gazebo	
11186	Duro-Shed Inc	95 Nichter Rd	Er. Shed	
11187	Iroquois Fence Inc	415 Central Ave	Er. Fence	
11188	Valkanov, Dimitre	106 Michael's Walk	Er. Deck	
11189	Bagley, William	226 Warner Rd	Er. Deck	
11190	Jeffords, Robert	155 Peppermint Rd	Er. Res. Alt.	
11191	Davies, Robert	260 Lake Ave	Er. Garage	(V/L)
11192	F&D Construction	1 Idlebrook Ct	Er. Res. Add.	
11193	Conway, M	1110 Townline Rd	Er. Deck	
11194	Basil, Joseph	5111 Transit Rd	Repair Drain Lines	
11195	Duro-Shed Inc	280 Ransom Rd	Er. Shed	
11196	Duro-Shed Inc	1 Sugar Mill Ct	Er. Shed	
11197	Lancaster Home Improv	5 Petersbrook Cir	Er. Res. Alt.	
11198	Dehn, Ray Jr	21 Clark St	Er. Res. Alt.	(V/L)
11199	Metz, Steven & James	5497 Broadway	Er. Sign	(V/L)
11200	Klingelsmith Plumbing	102 Pleasant Ave	Repl. Water Line	(V/L)
11201	Majestic Pools Inc	47 Village View	Er. Pool-In Grnd	
11202	Vogt, Philip	119 Southwest Pky	Er. Res. Add.	(V/L)
11203	Colley's Pool Sales Inc	28 Hampton Ct	Er. Pool-In Grnd	
11204	Colley's Pool Sales Inc	25 Hampton Ct	Er. Fence	
11205	Duro-Shed Inc	512 Lake Ave	Er. Shed	
11206	Duro-Shed Inc	10 Woodgate Dr	Er. Deck	
11207	Nickle City Insurance	5532 Broadway	Er. Comm. Alt.	(V/L)
11208	Josker, Mark	2 Queen's Way	Er. Shed	
11209	Josker, Mark	2 Queen's Way	Er. Pool-Abv Grnd	
11210	O'Leary, Daniel	27 Creekwood Dr	Er. Pool-Abv Grnd	
11211	O'Leary, Daniel	27 Creekwood Dr	Er. Fence	
11212	Irish Construction	74 Elm Pl	Er. Fence	(V/L)
11213	Mielko, John	60 Summit St	Er. Garage	
11214	Ventura, Joseph	25 Highland Pl	Er. Shed	(V/L)
11215	Wilcox Bros Sign Co	4901 Transit Rd	Er. Sign	
11216	Marrano/Marc Equity	4 Apple Blossom Blvd	Er. Dwlg.-Sin.	
11217	Lewandowski, Richard	721 Erie St	Er. Dwlg.-Sin.	
11218	Nola, Sean	27 Windcroft Ln	Er. Shed	
11219	Advision Inc	4875 Transit Rd	Er. Sign	
11220	Stock, John	219 Warner Rd	Er. Shed	
11221	Chowaniec, Brian	72 Old Post Rd	Er. Shed	
11222	Vogt, Philip	22 Fox Hunt Rd	Er. Res. Add.	

11223	Pionessa, Paul	111 Aurora St	Er. Garage	(V/L)
11224	Cislo, Andrew	601 Erie St	Er. Pool-Abv Grnd	
11225	Desiderio, Gerald	5827 Broadway	Er. Sign-Temp	
11226	Classic Fence & Lumber	54 Maple Dr	Er. Fence	
11227	Latello, John	209 Central Ave	Dem. Dwlg.	(V/L)
11228 SW	Fischione Construction	141 William Kidder Rd	Er. Dwlg.-Sin.	
11229	Glamour Pools Inc	5 Candlestick Ct	Er. Fence	
11230	Glamour Pools Inc	5 Candlestick Ct	Er. Pool-In Grnd	
11231	Glamour Pools Inc	48 Quail Run Ln	Er. Fence	
11232	Glamour Pools Inc	48 Quail Run Ln	Er. Pool-In Grnd	
11233	Colley's Pool Sales Inc	15 Thomas Dr	Er. Fence	
11234	Colley's Pool Sales Inc	15 Thomas Dr	Er. Pool-In Grnd	
11235	Colley's Pool Sales Inc	484 Hall Rd	Er. Fence	
11236	Colley's Pool Sales Inc	484 Hall Rd	Er. Pool-In Grnd	

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

October 6, 2003
File: Rbldg2

COMMUNICATIONS & REPORTS:

- 522. Adelphia to Town Clerk -
Transmittal of package and program changes in local cable service. DISPOSITION = Received and Filed
- 523. Town Clerk, Town of Marilla to Town Board -
Transmittal of proposed Local Law No. 2, "Amendment to the Code of the Town of Marilla" and notice of public hearing. DISPOSITION = Received and Filed
- 524. Town Clerk to Town Board -
Application for Special Use Permit, 5454 Genesee Street, for sale of vehicles. DISPOSITION = Resolution 10/6/03
- 525. NYS Senator Dale M. Volker to Town Clerk -
Comments and concerns regarding proposed casino. DISPOSITION = Received and Filed
- 526. NYS DOT to NYS Senator Dale M. Volker -
Comments regarding proposed reconstruction of Transit Road. DISPOSITION = Received and Filed
- 527. Michael J. Conboy to Supervisor -
Comments and concerns regarding proposed casino. DISPOSITION = Received and Filed
- 528. Northwood Village Association, Inc. to Supervisor -
Comments and recommendation regarding proposed street light on Transit Boulevard. DISPOSITION = Resolution 10/6/03
- 529. Dept. of Army, Corp of Engineers to Supervisor -
Notice of presentation regarding Ellicott Creek - Section 205 Study on September 23, 2003. DISPOSITION = Received and Filed
- 530. Supervisor to Commissioner, NYS DEC -
Letter regarding revised wetland boundaries in Windsor Ridge Subdivision. DISPOSITION = Town Attorney
- 531. Michael Budzich, Mary Sue Budzich to Supervisor -
Comments and concerns regarding proposed casino. DISPOSITION = Received and Filed
- 532. NYS DEC to Town Attorney -
Notification of Lead Agency Designation to the Town of Lancaster regarding Jiffy Tite Company, Inc; comments noted. DISPOSITION = Planning Committee
- 533. NYS DOT to Town Attorney -
Notification of Lead Agency Designation to the Town of Lancaster regarding Jiffy Tite Company, Inc; comments noted. DISPOSITION = Planning Committee
- 534. Margaret R. Testa-Goss to Supervisor -
Comments and concerns regarding proposed casino. DISPOSITION = Received and Filed
- 535. Denise A. Robida to Supervisor -
Comments and concerns regarding proposed casino. DISPOSITION = Received and Filed
- 536. Jim Kozlowski to Supervisor -
Comments and concerns regarding proposed casino. DISPOSITION = Received and Filed
- 537. Troy & Banks, Inc. to Supervisor -
Update regarding Cable Franchise Fee Review of Adelphia Cable. DISPOSITION =

- 538. Buffalo Niagara International Airport to Supervisor -
Letter regarding an Airport Noise Compatibility Study for the airport.
DISPOSITION = Received and Filed
- 539. Lancaster Village Clerk to Town Board -
Transmittal of resolution adopted September 8, 2003 by Village of Lancaster opposing
proposed casino. DISPOSITION = Received and Filed
- 540. Supervisor to Uniland Development Company -
Letter giving approval of curb cut for CarQuest on Walden Avenue.
DISPOSITION = Received and Filed
- 541. Supervisor to NYS DOT -
Letter requesting consideration of curb cut for CarQuest on Walden Avenue.
DISPOSITION = Received and Filed
- 542. Uniland Development Company to NYS DOT -
Letter regarding curb cut request for CarQuest on Walden Avenue. DISPOSITION =
Received and Filed
- 543. Town Attorney to Town Board, Planning Board, Town Clerk, Building Inspector, Town
Engineer -
Notice of SEQR meeting, October 6, 2003 at 6:30 PM to review site plan of Jiffy Tite.
DISPOSITION = Received and Filed
- 544. Town Clerk to Various News Media -
Notice to media of SEQR meeting, October 6, 2003 at 6:30 PM to review site plan of
Jiffy Tite. DISPOSITION = Received and Filed
- 545. Town Clerk to Town Board -
Application for Special Use Permit of 81 & 3 of Florida, Transit Road at Genesee
Street. DISPOSITION = Resolution 10/6/03
- 546. Twin District Fire Company to Town Clerk -
Request for change in roster. DISPOSITION = Resolution 10/6/03
- 547. Erie County Department of Public Works to Supervisor -
Notice of road opening of Hall Road between Schwartz Road and Ransom Road.
DISPOSITION = Received and Filed
- 548. J.M. Fitzpatrick Associates to Town Board -
Suggestions regarding proposed zoning change for 4827 and 4839 Transit Road
(Kohl's). DISPOSITION = Planning Committee
- 549. Erie County Department of Environment & Planning to Town Attorney -
Comments regarding site plan review and SEQR of Jiffy Tite, 4437 Walden Avenue.
DISPOSITION = Resolution 10/6/03
- 550. Village of Lancaster to Town Board -
Minutes of official meeting held August 11, 2003. DISPOSITION = Received and Filed
- 551. Village of Lancaster to Town Board -
Minutes of official meeting held August 25, 2003. DISPOSITION = Received and Filed
- 552. Village of Lancaster to Town Board -
Minutes of official meeting held September 8, 2003. DISPOSITION = Received and
Filed
- 553. Planning Board Chairman to Planning Board Members, Town Board Members, Town
Engineer, Town Attorney, & Building Inspector -
Transmittal of draft copy of minutes held October 1, 2003. DISPOSITION = Received
and Filed

554. Depew Union Free School District to Supervisor -
Request for use of polling places for Kids Voting on Election Day. DISPOSITION =
Town Clerk
555. Mrs. Patricia Mangold to Supervisor -
Comments and concerns regarding proposed casino. DISPOSITION = Received and
Filed
556. Chad & Jenna Heim to Town Board -
Comments and concerns regarding proposed casino. DISPOSITION = Received and
Filed
557. Molly Krygier to Supervisor -
Comments and concerns regarding proposed casino. DISPOSITION = Received and
Filed
558. Suzanne Kelchlin to Supervisor -
Comments and concerns regarding proposed casino. DISPOSITION = Received and
Filed
559. Christopher Kelchlin to Supervisor -
Comments and concerns regarding proposed casino. DISPOSITION = Received and
Filed
560. NYS Senator Dale M. Volker and Assembly Majority Leader Paul A. Tokasz to Acting
Director, NYS DOT -
Letter requesting consideration of curb cut for CarQuest on Walden Avenue.
DISPOSITION = Planning Committee
561. Tim Mundis to Town Board -
Comments and concerns regarding proposed casino. DISPOSITION= Received and
Filed
562. Frank Prell to Supervisor -
Comments and concerns regarding proposed casino. DISPOSITION = Received and
Filed
563. Michael L. Penna, Janet M. Penna to Supervisor -
Comments and concerns regarding proposed casino. DISPOSITION = Received and
Filed
564. NYS DEC to Supervisor -
Response to letter regarding revised wetland boundaries in Windsor Ridge Subdivision.
DISPOSITION = Town Attorney
565. Erie County Clerk to Supervisor -
Notice of improved process for pistol permit application from County Clerk's Office.
DISPOSITION = Received and Filed
566. Village of Lancaster to Town Board -
Minutes of official meeting held July 14, 2003. DISPOSITION = Received and Filed
567. Town of Lancaster to Village of Lancaster -
Transmittal of Invoice for payment pursuant to Agreement between Town and Village
of Lancaster for the transfer of Police Functions. DISPOSITION = Town Attorney

ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER RUFFINO AND SECONDED BY COUNCIL MEMBER STEMPIAK FOR ADJOURNMENT OF THE MEETING, ON ROLL, WHICH RESULTED AS FOLLOWS:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

The meeting was adjourned at 8:57 P.M.

Signed _____
Johanna M. Coleman, Town Clerk